Implementation and Impact of the *Protection Against Family Violence Act*

FINAL REPORT

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- Justice of the Peace Administrator
- Community Agency Representatives
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List of Abbreviations

CCC	Canadian Criminal Code
CLG	Calgary Legal Guidance
CPIC	Canadian Police Information Centre
EPO	Emergency Protection Order
ICFV	Interdepartmental Committee on Family Violence
JP	Justice of the Peace
OPFV	Office for the Prevention of Family Violence
PAFV	Protection Against Family Violence
PROP	Protection and Restraining Order Project (Edmonton)
QBPO	Queen's Bench Protection Order
WPE	Warrant Permitting Entry

Executive Summary

This report is the first of a three-phase evaluation[1] of the implementation and impact of the Alberta *Protection Against Family Violence Act*. The *Act* was passed in the spring 1998 sitting of the Alberta Legislature and came into effect in Alberta on June 1, 1999. Three types of protection are available under the *Act*: Emergency Protection Orders (EPO), Queen's Bench Protection Orders (QBPO), and Warrants Permitting Entry (WPE).

The first phase of the evaluation focused on the first fifteen months of implementation of the *Act* (June 1999 – August 2000) and was guided by three main questions:

1. What has occurred since the *Act* was passed (e.g., number of requests, orders granted)?
2. What difference has the legislation made?
3. What improvements are needed?

Multiple data collection methods were employed including survey, file review, interviews, and ongoing consultation with the Interdepartmental Committee on Family Violence (ICFV): Evaluation Sub-Committee. Key stakeholder groups included Queen's Bench Administrators, Police Officers, Presiding Justices of the Peace, and Community and Legal Resource Agencies. The Evaluation Committee decided to postpone interviews with other key stakeholders, particularly victims of family violence themselves, until later phases of the evaluation. The primary rationale for delaying interviews with victims was to avoid jeopardizing the cases of those claimants with criminal charges before the courts.

Key findings are presented next according to the three overall evaluation questions.

1. Utilization: What Has Occurred Since the *Act* Was Passed?

Provincial data maintained by the Alberta Government from June 1999 to March 2000 indicate that:

- 122 Emergency Protection Orders (EPOs) have been confirmed,
- 17 EPOs have been revoked and replaced with Queen's Bench Protection Orders (i.e., "varied"),
- 54 EPOs have been revoked, and
- 22 QBPOs have been commenced in the Court of Queen's Bench (i.e., direct applications).

[1] The second and third phases of the evaluation will be implemented over the next two years.

An in-depth file review was conducted at four Queen's Bench locations (Edmonton, Calgary, Fort McMurray, and Lethbridge) to gather more detailed information about the utilization and outcome of requests for EPOs and QBPOs. A total of 129 files were reviewed, including 123 applications for EPOs and 6 direct applications for QBPOs. The majority of documented requests for EPOs were granted (89%). Upon review at Queen's Bench, about 60% of EPOs were confirmed or varied. Ten percent (10%) of review hearings were adjourned; 30% of EPOs were revoked, dropped, or had expired.

The low utilization of direct applications for Queen's Bench Protection Orders is not surprising given concerns expressed by various stakeholders. For example, police officers expressed that they were not aware of the application procedures for a QBPO, did not know that such an order existed, or did not foresee a role for police officer involvement in direct applications. The mandate of the Protection and Restraining Order Project (PROP) in Edmonton applies only to emergency situations, and although Calgary Legal Guidance (CLG) has had some involvement with direct applications, ongoing structural support is required. For example, assistance should be available at Queen's Bench to help applicants with the process. Officers have expressed that some JPs will direct them to the Court during regular hours, although this option is not seen as accessible for clients. However, it must also be emphasized that victims continue to have access to ex parte Restraining Orders[2], which existed before the implementation of the *Protection Against Family Violence Act*. There were 453 ex parte Restraining Orders granted in Queen's Bench between June 1, 1998, and May 31, 1999, and an additional 520 granted between June 1, 1999, and May 31, 2000. Thus, ex parte Restraining Orders continued to be utilized more than direct applications for Queen's Bench Protection Orders in situations where the victim appeared before the Court.

Given the number of requests for EPOs relative to the vast number of family violence incidents reported in police files, it is likely that the legislation is currently under-utilized. Many stakeholders suggested that the *Act* has been under-utilized due to low overall awareness, police reluctance to apply for orders, and JP reluctance to grant orders. Increased training and awareness campaigns were suggested as one strategy to increase utilization of the legislation.

2. Impact: What Difference Has the Legislation Made?

While fifteen months after implementation is still too early to asses the long-term impact of the legislation, there has been some progress toward increased **awareness** of family violence issues, changes in **attitude**, and reduced family violence incidents (**behaviour**).

[2] A restraining order may be granted without notice (ex parte) if the Court of Queen's Bench is satisfied that there are sufficient reasons for doing so.

Awareness

The majority of key stakeholders included in this evaluation were already very familiar with family violence issues and as such most did not experience a change in awareness following the implementation of the *PAFV Act*. Where awareness increased somewhat, it was due to specific training opportunities, particularly those that highlighted the social science perspective of family violence (e.g., cycle of violence, profiling of abusers). Many stakeholders further indicated that increased awareness among the general public was needed.

Attitude

Key stakeholders reported that the legislation reflects a change in the legislative response to, and attitude toward, family violence. For example, less tolerance of family violence and increased recognition of the dynamics of this situation were reported by stakeholders. The majority supported the new legislation and reported benefits of the PAFV Act over other available remedies. As one police officer commented, "This legislation has given police hope for victims. We can now act in a more meaningful and lasting way."

Behaviour

Some police officers reported that the legislation prevented future family violence incidents in some situations. The legislation was seen as beneficial because it can be used before a criminal offense has taken place and provides the opportunity to intervene during the escalation stage of violence. Several key stakeholders (e.g., police officers and community agency representatives) viewed the legislation as providing an opportunity for the victim to break the cycle of violence.

3. What Improvements are Needed?

The following suggested improvements are categorized according to improvements to the legislation, to the process, and to the training programs. Improvements are those suggested by stakeholder groups that participated in the evaluation.

Legislative Improvements

- Define emergency;
- Make direct applications for QBPOs more accessible to clients; and
- Broaden definition of family to include, for example, foster children, same-sex couples, and caregivers who are not family members.

Process Improvements

- Improve technology for telephone applications;
- Minimize length of time required to make applications;
- Keep paperwork simple;

- Address structural and budgetary constraints (e.g., need for lawyers and other trained staff to help with applications);
- Clarify protocol for determining location for review (particularly in rural areas);
- Consider extending the seven-day waiting period for review in areas where there is no Queen's Bench location;
- Clarify protocol for substitutional service and re-serving an order after the seven-day review;
- Clarify what is expected and/or required of the claimant following initial EPO (e.g., file affidavit with the Court);
- Address the difficulty of enforcing an order for a potentially violent partner;
- Enforce consistent approach to breaches of orders;
- Articulate and enforce penalties to applicants who proceed maliciously; and
- Provide follow up for both victims and perpetrators (e.g., counseling, referral, support).

Training Program Improvements

Most participants who had received training were generally satisfied with the training/information received. The majority requested further training and ongoing follow up, particularly now that the *Act* has been in place for some time. Specific suggestions included the following:

- Clarify how the legislation interacts with other legislation (e.g., the *Child Welfare Act* and the *Protection of Persons in Care Act*) and the Criminal Code of Canada (particularly assault charges).
- Clarify that applications may be made by reason of seriousness **or** urgency.
- Address the appropriateness of restricting access to children (e.g., some stakeholders reported that this can lead to lengthy custody/access battles and may not be warranted as a provision of EPOs in some cases).
- Specify persons designated to make applications (e.g., Victims Service Unit personnel).

Conclusions and Recommendations

The majority of key stakeholders felt the legislation was effective and reported benefits over other available remedies. The *Act* was seen, primarily, as providing another option for responding to family violence. Perceived benefits of the *Act* included the following:

a) immediacy and responsiveness,

b) comprehensiveness of conditions (particularly granting exclusive occupation of the family residence), and

c) enforcement (ability to charge on breach).

Furthermore, the Interdepartmental Committee on Family Violence (ICFV) remains committed to the reduction of family violence and is prepared to build on evaluation findings to improve the ongoing utilization of the *PAFV Act*. The following recommendations are provided to the ICFV.

1. Build on Strong Stakeholder Support

To sustain support for the legislation, maintain regular communication with all key stakeholder groups through updates, newsletters, training sessions, and various other forums. The evaluation revealed strong stakeholder support but this support may diminish as a result of time, frustration with the process, system or outcome, or a tendency to revert to existing remedies. There is opportunity to mobilize key groups of committed stakeholders to effect meaningful change in the long-term reduction of family violence.

2. Provide Opportunities for Improved Communication Between and Within Stakeholder Groups

The successful implementation of the *PAFV Act* has depended on the relationships among diverse stakeholder groups. Many of these individuals do not commonly work together on a daily basis, neither within nor across their group structures. For example, the presiding JPs are private lawyers who work in the Bail Offices in Edmonton and Calgary. They have little opportunity to work together and, in fact, work quite independently of one another. Police officers represent various different detachments, and community agency representatives work for various different organizations. Considering the complexity of this task, the entire process is working remarkably well. Perhaps the process has been facilitated most by the strong commitment to the protection against family violence that was expressed by all stakeholder groups.

One strategy to improve communication and a shared understanding of the process is to provide consistent information and client assistance at each Queen's Bench location. Furthermore, because implementation depends on successful communication between and among groups, opportunities should be created for these groups to collaborate. For example, facilitate communication between police officers and presiding JPs. Some tension has stemmed from the lack of an explicit definition of emergency (e.g., seriousness or urgency of a situation) and perceived inconsistencies regarding the appropriateness of applications and judicial decisions. Increased opportunities for collaboration and open dialogue between various stakeholder groups should be introduced to strengthen the shared commitment to the

prevention of family violence, and to ensure consistent application of the legislation.

3. **Respond to Specific Requests for Training**

   Consider the specific training requests from each group in the planning and implementation of specific, targeted training programs. For example, presiding JPs requested feedback from Queen's Bench regarding the outcome of cases as well as information about the overall consistency of JP practice. Another key element of training should address the differential understanding of the appropriateness of utilizing the *PAFV Act* along with, or instead of, criminal charges. For example, some stakeholders expressed concern that the legislation should not be used as an alternative to the Criminal Code. However, there was divided opinion on this issue as many others felt that the legislation filled a critical gap in the existing system and cited many instances when it could be used both in conjunction with, and instead of, Criminal Code charges and other existing remedies.

4. **Address Process and Procedural Issues Related to Documentation**

   Complete documentation (e.g., copies of the Affidavit of Service of the EPO on the respondent) is required for enforcement of the legislation. As complete documentation was not always available at the time of our file review, address the various process issues related to documentation (e.g., clearly articulate responsibility for forwarding documents to the Court).

5. **Continue to Monitor the Utilization and Impact of the *PAFV Act* through Evaluation**

   Continue to monitor the utilization and impact of the *PAFV Act* and provide feedback to stakeholders. Consider recruiting additional stakeholder groups, particularly victims of family violence, to participate in the next phases of evaluation.

6. **Maintain a Systems Perspective of Family Violence**

   Ultimately, legislation represents one approach to the protection against family violence, a complex issue mitigated by many factors including individual, family, community, and cultural factors.[3] Stakeholders, including the ICFV, recognized that multiple strategies must be implemented concurrently to reduce the overall incidence of family violence. Long-term sustainable change will only occur when we achieve "a culture that does not tolerate family violence" (Community Agency Representative).

[3] Alberta Family and Social Services, (1994.) *Breaking the Pattern.*

Introduction

Family violence is a serious issue in this country. In 1997 victims of spousal violence represented almost one-fifth of all victims of violent offences. Women accounted for nearly 90% of all reported spousal violence. Adults aged 65 and over accounted for 2% of all violent crime; parents represented 65% of family members accused of physical violence against children and youth and 44% of those accused of sexual assault.[4]

Canadian provinces have adopted various approaches to address the issue of family violence. In Alberta, the Office for the Prevention of Family Violence was established in 1984 to provide support and leadership in developing an effective approach to the problem of family violence.[5]

Since 1995 provincial legislation has been passed to improve the ability of the justice system to respond to family violence (Prince Edward Island, Manitoba, Saskatchewan, Alberta, and Yukon). And, while provisions vary across jurisdictions, some form of intervention or protection order is common to all legislation. It includes four elements:

- Prohibition of the respondent to contact or communicate with the victim,
- Removal of the respondent from the family home,
- Supervision by a peace officer of the removal of the respondent's personal effects, and
- Exclusive occupation of the residence by the victim.

Alberta Legislation: *Protection Against Family Violence (PAFV) Act*

The *Protection Against Family Violence (PAFV) Act* was passed in the spring 1998 sitting of the Alberta Legislature and came into effect in Alberta on June 1, 1999. The *Act* was based, in part, on results of a public consultation process conducted between July and November 1997 which indicated that Albertans considered "family violence a serious societal problem" and that preventing violence at home was a priority.[6]
The *Act* is characterized by its focus on protection rather than punishment and its attempt to be gender neutral. The purpose of the *Act* is to "provide effective and accessible protection for victims of family violence, while at

[4] Statistics Canada (1999). *Family Violence in Canada: A Statistical Profile 1999.*
[5] Alberta Family and Social Services (1994). *Breaking the Pattern.*
[6] Alberta Justice (1998) *Protection Against Family Violence Act: Consultation Report,* June 1998.

the same time responding to concerns raised about due process and the need to guard against frivolous or vexatious applications."[7]
In the *Act*, family violence refers to

- any intentional or reckless act or omission that causes injury or property damage, the purpose of which is to intimidate or harm a family member;
- any act or threatened act that causes a reasonable fear of injury or property damage, the purpose of which is to intimidate or harm a family member;
- forced confinement; and
- sexual abuse.

Key features of the legislation provide police officers with the option of a civil response to family violence calls. There are three types of protection available under the *Act*: Emergency Protection Orders (EPO), Queen's Bench Protection Orders (QBPO), and Warrants Permitting Entry (WPE).

Emergency Protection Order and Queen's Bench Protection Order

Police officers can request EPOs from presiding Justices of the Peace on a 24-hour basis. An EPO must be reviewed by the Court of Queen's Bench within seven working days of issue. The review may result in revocation or cancellation of the protection order, granting of a hearing, or granting of a protection order for up to one year. In non-emergency situations, a victim can obtain a Queen's Bench Protection Order by requesting it during an EPO review or applying directly to the Court of Queen's Bench. Both types of protection provide for no contact, temporary exclusive access to the home, and seizure and storage of weapons where they have been used or threat of use exists. Other conditions besides no contact may apply, and breach of a protection order is considered a criminal offence under the Criminal Code of Canada, as are false claims of violence.

Warrant Permitting Entry

A Warrant Permitting Entry to the home may be obtained by police from a presiding Justice of the Peace if a person is refused access to a family member and if the family member is believed to be a victim of family violence. Police can help that family member leave the home if he or she consents. Information regarding use of the legislation to date suggests that the Warrant Permitting Entry is the least used option of the legislation.

[7] Ibid.

Evaluation Methodology

Purpose

The purpose of this evaluation was to review the implementation and impact of the Alberta *Protection Against Family Violence Act.*

Evaluation Questions

The evaluation was guided by the following three main questions:

- What has occurred (e.g., number of requests, orders granted)?
- What difference did the legislation make?
- What improvements are needed?

Methods

Multiple methods were employed including survey, file review, interviews, and ongoing consultation with the Interdepartmental Committee on Family Violence (ICFV): Evaluation Sub-Committee.

Key stakeholder groups included the following:

- Queen's Bench Administrators (review of court files and discussion with Court Administrators);
- Police Officers (survey, interview);
- Presiding Justices of the Peace (interview);
- Community and Legal Agencies (survey, interview); and
- Interdepartmental Committee on Family Violence members (interview).

Initially, victims of family violence were considered as a primary key stakeholder group and discussions were held about the most appropriate ways to recruit participants for the evaluation. However, through ongoing discussions with the Evaluation Sub-Committee, it was decided to delay interviews with victims until the second or third year of implementation of the *Act*. The rationale for this decision was primarily to avoid contacting victims involved in a case where criminal charges might still be pending, as well as to minimize intrusion on victims.

Results

Results are presented according to each main stakeholder group.

Queen's Bench File Review

Provincial data (workload indicator reports) maintained by the Alberta Government from June 1999 to March 2000 indicate that 122 EPOs have been confirmed, 17 EPOS have been revoked and replaced with QBPOs (likely reported on files as "varied"), 54 EPOs revoked (or vacated), and 22 QBPOs commenced in the court of Queen's Bench (i.e., direct applications). These included all cases in the province beyond the four Queen's Bench sites selected for the evaluation.

All cases which included an official request[8] for an EPO or QBPO from June 1999 to February-April 2000[9] were reviewed for the following four Queen's Bench locations: Edmonton, Calgary, Lethbridge, and Fort McMurray. A standardized checklist was prepared to guide the file review. The Court Administrator/Clerk from each site facilitated this process by preparing all *PAFV Act* files in advance and by being available to answer questions and to identify outcomes of cases where information was not available in the file.

Table 1. Queen's Bench Locations

Site	Files Reviewed
Edmonton	49
Calgary	56
Lethbridge	14
Fort McMurray	10
Total =	**129**

Of the 129 files reviewed, 123 involved applications for Emergency Protection Orders (122 completed and 1 incomplete). The remaining six files involved direct applications for Queen's Bench Protection Orders. There were no cases of requested Warrants Permitting Entry (WPE) identified in the file review nor in court statistics.

[8] The total number of "unofficial requests", such as requests for information or description of hypothetical situations, is unknown.
[9] Edmonton files were reviewed from June 1999 to February 2000; all other locations files were reviewed from June 1999 to April 2000.

Contents of Files

The contents of files at Queen's Bench were recorded to identify common recording practices and to indicate which document sources were reviewed as part of the file review. The most common documents included in the files were the JP Intake Sheet (n=114), Transcript (n=107), and the original EPO (n=103). Most information for the file review was derived from these three documents. Where information was not indicated on the intake sheet, transcripts were used as supplementary information.

Table 2. Contents of Queen's Bench PAFV Act Files

Item	Number of Files Including Items	
	n	%
Intake Sheet (JP)	114	88.4%
Transcript	107	82.9%
EPO (JP original)	103	79.8%
EPO (Police copy)	89	69.0%
QBPO	72	55.8%
Affidavit of Service of EPO on Respondent	52	40.3%
Affidavit of Claimant	45	34.9%
Affidavit of Respondent	24	18.6%
Affidavit of Service of QBPO on Respondent	17	13.2%
Affidavit of Service of Affidavit of Claimant on Respondent	10	7.8%
Affidavit of Service of Affidavit of Respondent on Claimant	4	3.1%

Comprehensive documentation is an important component of implementing the legislation. For example, an Emergency Protection Order is not enforceable until it is served on the respondent. It is the responsibility of the police officer to ensure that the respondent is served with the EPO. The officer must serve the EPO on the respondent and subsequently file an "Affidavit of Service of the EPO on the Respondent." This document confirms that the order was served. However, of the 109 EPOs granted, an Affidavit of Service of the EPO on the Respondent was filed in only 52 Queen's Bench files. (Note: This does not imply that the remaining respondents were not served. It indicates only that the Affidavit of Service documents were not on file at Queen's Bench at the time of the present file review.) Also, the initial review of an Emergency Protection Order (i.e., set within seven working days at Queen's Bench) should be based on affidavit evidence. The claimant is expected to file an Affidavit with the Court (usually through a lawyer) before the seven-day review date (Affidavit of Claimant). However, of the 109 EPOs granted, only 45 Queen's Bench files included an Affidavit of Claimant.

Emergency Protection Orders

Of the 122 completed requests for EPOs, the majority (n=109) were granted. Thirteen (13) requests were not granted. Of the 109 EPOs granted, most were either confirmed or varied at the Queen's Bench review (n=63). There were 12 adjournments and 1 interim consent order was granted. In the event of adjournments the original EPO remained in full force and effect until the subsequent review date. Thirty-three (33) orders ceased to be in effect following the Queen's Bench review. Of these, 27 were revoked or vacated, 4 cases were dropped before the review or were not heard because "no-one appeared." In 2 cases the order was deemed lapsed or expired.

Table 3. Outcome of Requests for EPOs

Emergency Protection Orders	**Number**	**Percent**
EPOs Granted	109	89%
EPOs Denied	13	11%
Total EPOs Requested	**122**	**100%**

Outcome at Queen's Bench Review	**Number**	**Percent**
Total Orders in Effect	**76**	**70%**
• EPO Confirmed or Varied	63	--
• Interim Consent Order Granted	01	--
• Hearings Adjourned	12	--
Total Orders Not in Effect	**33**	**30%**
• EPO Revoked/Vacated	27	--
• Dropped/Not Heard	04	--
• Lapsed/Expired	02	--

*Note. These data are presented according to how they were reported on file. The outcomes do not precisely match the intended four potential outcomes at Queen's Bench identified in the legislation.

Section 3 (4) of the *Act* stipulates that, at the initial review, the Court of Queen's Bench may, whether or not the claimant or the respondent is in attendance,

a) revoke the order;
b) direct that an oral hearing be held;
c) confirm the order, in which case the order becomes an order of the Court of Queen's Bench; or
d) revoke the order and grant a Queen's Bench Protection Order.

In practice, the label "revoked and replaced with QBPO" has been reported as "EPO varied." Also, revocation of orders has not always implied that the Court of Queen's Bench objected to the original EPO. Often the EPO was termed "vacated" or "expired" indicating that the initial EPO had run its course.

Time of Day (EPO Applications)

The time of day recorded on the intake sheet was obtained for each file where applicable. Results indicated that approximately 48% of recorded times were during daytime hours, 34% during the evening and 12% late at night.

Figure 1. Time of Day

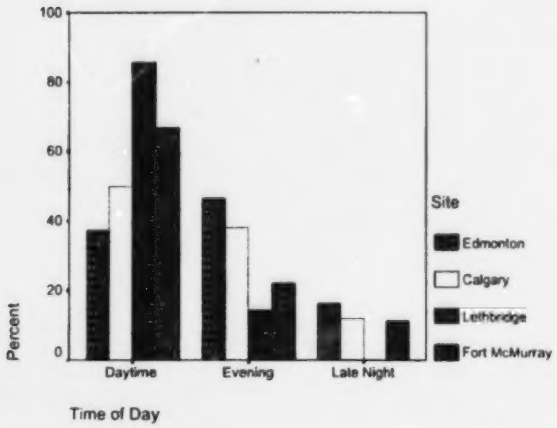


Table 4. Time of Day (EPO Applications)

Time Range		n	%
Daytime	8:00 AM – 4:59 PM	58	47.5%
Evening	5:00 PM – 11:59 PM	42	34.4%
Late Night	12:00 AM – 7:59 AM	14	11.5%
	Not Stated	8	6.6%
	Total	**122**	**100.0%**

Circumstances of Family Violence Incident

Of the 122 EPO files reviewed, only 18 intake sheets stipulated that the claimant's location was to be kept confidential. Children were involved in the majority of cases (78%). Most cases (80%) did not involve weapons. Most cases involved a history of family violence (89%), although the majority did not involve previous civil orders for family violence (66%). The majority of respondents (54%) had a previous criminal record (39% did not, and information was not provided for the remaining 7% of respondents). Of the 122 requests for EPOs, most claimants did not seek medical attention (78%) following the incident of family violence.

Table 5. Circumstances of Family Violence Incident

Circumstances of Family Violence Incident	Yes		No		Not Stated	
	n	%	*n*	%	*n*	%
Claimant's location to be kept confidential?	18	14.8%	97	79.5%	7	5.8%
Were children involved?	95	77.9%	17	13.9%	10	8.2%
Were weapons involved?	19	15.6%	97	79.5%	6	5.0%
History of Family Violence?	108	88.5%	7	5.7%	7	5.8%
Previous Civil Orders?	26	21.3%	81	66.4%	15	12.3%
Previous Criminal Record?	66	54.1%	47	38.5%	9	7.4%
Did the claimant seek medical attention?	11	9%	95	77.9%	16	13.1%

Of the 122 Emergency Protection Orders requested, most were requested by police officers (n=104), although a small number were requested by victims (n=9). The remaining three applications were made by a counsel for claimant, a court administrator, and a child welfare worker. (The child welfare worker made the application jointly with a police officer.) The majority of applications were made by phone (76%). Less than 10% were made in person and information was not available for the remaining 14% of cases.

Table 6. EPO Applicant

Who requested the EPO?	n	%
Police Officer	104	85.2%
Victim	9	7.4%
Counsel for Claimant	1	0.8%
Court Administrator	1	0.8%
Child Welfare Worker	1	0.8%
Not Stated	6	4.9%
Total	**122**	**100%**

Table 7. Application Method

How was the application made?	n	%
Phone	93	76.2%
In Person	12	9.8%
Not Stated	17	13.9%
Total	**122**	**100%**

The most common relationship between the claimant and respondent was spouse/common law (81%). Approximately 10% were parent/child relationships, followed by ex-spouse/ex-common law (6%) and other immediate family member (less than 1%). Of the parent/child relationships, nine involved elderly parents as claimants and their adult son or daughter as the respondent. One claimant was a grandparent (the respondent was a teenage grandchild). The remaining two claimants were children (the respondent was the child's father in both cases).

Table 8. Relationship Between Claimant and Respondent

Relationship Between Claimant/Respondent	**n**	**%**
Spouse/Common Law	101	83.2%
Parent/Child	12	10.1%
Ex-Spouse/Ex-Common Law	8	5.9%
Other Immediate Family	1	0.8%
	122	**100.0%**

Criminal Charges

Criminal charges were not laid in the majority of cases (73%) that involved a request for an Emergency Protection Order. The proportion of EPOs granted or denied did not differ significantly by whether or not criminal charges were laid in the recent incident (see Table 9). However, the small number of EPOs that were denied (n=13) precludes a definitive conclusion from the analysis.

Table 9. Criminal Charges

Criminal Charges Laid in Recent Incident	**n**	**%**
Yes	25	20.5%
No	89	73.0%
Not Stated	8	6.5%
	122	**100.0%**

Table 10. Outcome of EPO Request Compared with Criminal Charges

		EPO Granted	
		Yes	**No**
Criminal Charge Laid	**Yes**	22 (20%)	3 (23%)
	No	80 (74%)	9 (69%)
	Not stated	7 (6%)	1 (7%)

The most common reason stated regarding why criminal charges were not laid was "investigation pending" (28%). Other commonly cited reasons included "claimant does not want to charge" (19%), "charges will be laid" (6%), and "not enough evidence" (5%). Information provided by police officers further substantiated that, despite mandatory charging policies for family violence, the wishes and willingness of the victim is an important consideration before laying criminal charges. Many officers perceived that laying charges might make the situation worse or may further enrage the respondent. They also perceived that claimants are often unwilling to provide evidence and/or testify in court which makes it difficult to lay charges. This is especially true in cases where the claimant is a parent and the respondent is his/her adult child. Parents are often reluctant to charge their son or daughter and yet feel trapped in an abusive situation. (More detail from police interviews is included in the police section.)

Table 11. Reasons Criminal Charges Not Laid

Reasons criminal charges were not laid	**n**	**%**
Investigation pending	25	28.1%
Not stated	23	25.8%
Claimant does not want to charge	17	19.1%
Charges will be laid	5	5.6%
Not enough evidence	4	4.5%
Not at this time	3	3.4%
No criminal offense has occurred	3	3.4%
Respondent in custody	3	3.4%
No physical assault	2	2.2%
Previous assault not reported	1	2.2%
Officer did not deem it appropriate	1	1.1%
Required immediate assistance	1	1.1%
Respondent released from prison	1	1.1%
Total	**89**	**100%**

Provisions of Emergency Protection Orders

The legislation provides for six specific provisions as well as one open-ended provision/restriction for Emergency Protection Orders. Of the EPOs granted, the three most common provisions were as follows:

1) Respondent may not communicate with or contact the claimant,
2) Respondent may not attend at or near specified place, and
3) Other provisions - the most common of which was a standard breach clause.

The least utilized provision was that authorizing a peace officer to remove and store specified weapons (fewer than 10% of EPOs contained this provision).

Table 12. Provisions of EPOs

Provisions of Emergency Protection Orders	n	%
Respondent may not communicate with or contact the claimant	107	98.2%
Respondent may not attend at or near specified place	103	94.5%
Breach clause (providing for arrest of respondent upon breach of the order)	97	89.0%
Claimant granted exclusive occupation of the family residence	65	59.6%
Peace officer to accompany specified person to residence	54	49.5%
Peace officer to remove respondent from the residence	44	40.4%

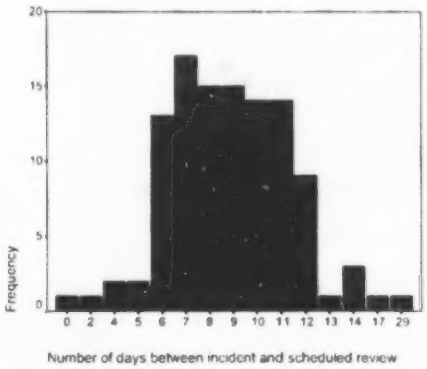
Length of Emergency Protection Orders

The average length of Emergency Protection Orders was 82 days (ranging from 2 to 365 days). The average number of days between the initial application and scheduled review was 9 days. (Note this number includes weekends and holidays.) The wait period ranged from 0 to 29 days.

Table 13. Wait Time Between Incident and Scheduled Review

Number of days between incident and scheduled review

	Frequency	Percent
0	1	.9
2	1	.9
4	2	1.8
5	2	1.8
6	13	11.9
7	17	15.6
8	15	13.8
9	15	13.8
10	14	12.8
11	14	12.8
12	9	8.3
13	1	.9
14	3	2.8
17	1	.9
29	1	.9
Total	109	100.0



Although attendance by the claimant and/or the respondent is not mandatory at the review (affidavit evidence must be provided as the basis for the review), it was hypothesized that some orders may be revoked if no one attends. This has happened in some, although not all, cases. For 66

of the 109 cases at least one person appeared (either counsel for claimant, claimant, counsel for respondent, or the respondent). The most common person in attendance to date has been counsel for the claimant (present at 52% of reviews).

Table 14. Attendance at Queen's Bench Review

Who attended the Queen's Bench review?	**n**	**%**
Counsel for Claimant	57	52.3%
Respondent	20	18.3%
Claimant	10	9.2%
Counsel for Respondent	9	8.3%

Of the 63 EPOs that were confirmed or varied, most occurred for cases where at least one person appeared at the review (44 cases) versus cases where no one appeared (19 cases). However, there was no significant difference between EPOs that were revoked or vacated. That is, of the 27 EPOs that were revoked or vacated, 11 were cases where no one appeared and 16 were cases where at least one person appeared.

Count

		Attendance at Queen's Bench Review		
		No-one appeared	At least one person appeared	Total
OUTCOME	EPO revoked/vacated	11	16	27
	EPO confirmed	18	38	56
	EPO varied	1	6	7
	EPO review adjourned	6	6	12
	Claimant dropped case before review date	2	0	2
	EPO expired/lapsed	2	0	2
	Interim Consent Order	1	0	1
	Did not hear case	2	0	2
Total		43	66	109

Table 15. Provisions of EPOs Confirmed

Provisions of EPOs confirmed, varied, or adjourned at Court of Queen's Bench Review (total=75)	**n**	**%**
Respondent may not contact the claimant	62	82.7%
Breach clause (providing for arrest of respondent upon breach of the order)	62	82.7%
Respondent may not attend at or near specified place	60	80.0%
Claimant granted exclusive occupation of the family residence	42	56.0%
Peace officer to accompany specified person to residence	32	14.7%
Peace officer to remove respondent from the residence	13	17.3%
Peace officer directed to remove and store specified weapons	4	5.3%
Either party required to attend counseling	3	4.0%
Respondent to reimburse claimant for monetary losses	2	2.7%
Either party granted temporary possession of specified personal property	2	2.7%

Queen's Bench Protection Orders (QBPO) – Direct Applications

Table 16. Outcome of Requests for QBPOs (Direct Applications)

Requests for QBPOs (Direct Applications)	**n**
Number Requested	6
Number Granted	6

Of the 6 direct applications for QBPOs, 3 were made by the claimant, 1 by a police officer, and 2 by counsel for the claimant.

Table 17. Provisions of QBPOs (Direct Applications)

Provisions of Queen's Bench Protection Orders (Direct Applications)	**n**	**%**
Breach clause (providing for arrest of respondent upon breach of the order)	5	83.3%
Respondent may contact the claimant	3	50.0%
Respondent may not attend at or near specified place	2	33.3%
Claimant granted exclusive occupation of the family residence	2	33.3%

Overall – Further Court Process

Of the 115 cases (109 EPOs and 6 direct application QBPOs), information was maintained on 26 files regarding further court processes. These included the following.

Table 18. Nature of Further Court Process

Nature of Further Court Process	n	%
Adjournments	10	38.5%
Breach of protection order	7	26.9%
Request to drop existing order	3	11.5%
Request additional restraining order	3	11.5%
Assault charge	2	7.7%
Changed provisions of order	1	3.8%
	26	**100.0%**

Experience and Perspectives of Police Officers

An anonymous police officer survey as well several in-person interviews were conducted. Officers were asked to provide their perspectives about how the legislation was working and to identify areas for improvement. Survey findings are presented below. Information from interviews is used throughout to support evaluation findings.

Police Officer Survey

Police officers (n=110) were identified through the file review and through commanding officers at each of the four locations (Edmonton, Calgary, Lethbridge, and Fort McMurray). Surveys were distributed by mail and included a self-addressed, postage-paid reply envelope. Surveys were self-administered and officers were asked to respond anonymously. The majority of officers responded (52%). This represents an excellent response rate for a one-time anonymous mail-out. To ensure anonymity, survey responses were not linked to individuals. This approach precludes reminder systems (e.g., contacting participants who have not yet responded) in an attempt to increase response rates.

Officer Backgrounds

The majority of officers (54%) reported more than 10 years of police experience. The remaining 46% reported less than 10 years police experience. Officers reported being involved with between 0 and 150 family violence cases over the past three months and between 0 and 600 cases over the past twelve months (average 9 to 10 calls per month). Most officers were not part of a family/spousal violence team (77%). The majority of officers were aware of the *PAFV Act* (n=50, 88%). Of those who were aware of the *Act*, most had first become aware of the *Act* through training (42%) or police service directive (28%). Other sources of

awareness included commanding officer (6%), news/media (2%), and victims services unit (2%).

Table 19. Police Officer Experience

Officer Experience	**n**	**%**
0 – 5 years	19	33.3%
6 – 10 years	7	12.3%
11 – 20 years	23	40.4%
21 or more years	8	14.0%
Total	**57**	**100.0%**

Table 20. Officer Awareness of PAFV Act

Officer Awareness of *PAFV Act*	**n**	**%**
Training	21	42.0%
Police Service Directive	14	28.0%
Commanding Officer	3	6.0%
News/Media	1	2.0%
Victims Services Unit	1	2.0%
Not Stated	10	20.0%
Total	**50**	**100.0%**

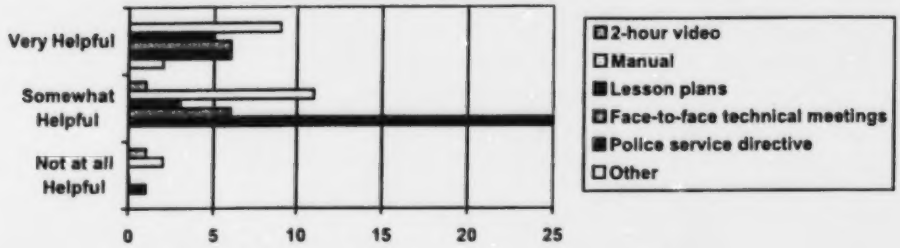
Training

Most officers had received training regarding the use and provisions of the *PAFV* legislation (n=42, 74%). The majority of these officers received training through their detachment (71%), followed by other sources (17%) and Alberta Justice Staff College (10%). Other specified training locations included Child Welfare presentations, technical training, video, and written handouts.

Table 21. Sources of Officer Training

Sources of Officer Training	**n**	**%**
Detachment	30	71.4%
Other Sources	7	16.7%
Alberta Justice Staff College	4	9.5%
Not Stated	1	2.4%
Total	**42**	**100.0%**

Figure 2. Helpfulness of Training Components



Police service directive training was rated as somewhat or very helpful more frequently (n=31) than any other source of training. The "other" sources of training were in-services, self-directed readings, and discussions with co-workers.

All officers who had received training (n=42) reported that the training had helped them to understand how the *PAFV Act* can be used in conjunction with criminal law.

Utilization

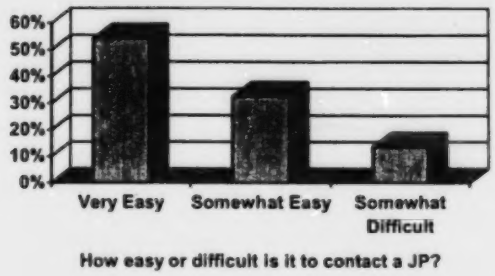
Most officers had requested an EPO on behalf of a victim (n=37). Of these, officers had requested between 1 and 10 orders. The majority of these officers reported that the application process typically took less than 2 hours (65%). The majority usually applied for EPOs by phone and fax (54%) or by phone only (43%). Only one officer reported usually applying for EPOs in person.

Table 22. Length of Time to Process EPO Applications

Average Reported Length of Applications for EPOs	**n**	**%**
Less than one hour	9	24.3%
1 – 2 hours	15	40.5%
2 – 4 hours	6	16.2%
More than 4 hours	3	8.1%
Other	4	10.0%
Total	**37**	**100.0%**

The majority of officers reported that it was either very easy (54%) or somewhat easy (32%) to contact a JP.

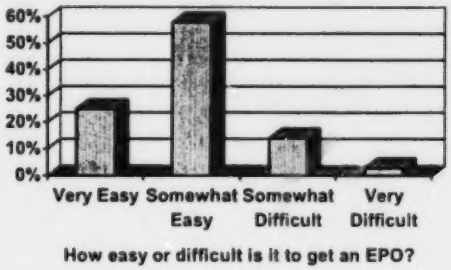
Figure 3. Reported Ease/Difficulty in Contacting a JP



Officers who felt that contacting JPs was "very easy" reported that JPs are available immediately and are easy to contact by telephone. Officers who felt that contacting JPs was "somewhat easy" indicated that it sometimes takes more than an hour to wait for the JP to call back, or that some JPs are less comfortable than others with the *Act*. No reasons were provided by those who reported it was "somewhat difficult" to contact a JP.

Most officers reported that it was somewhat easy (58%) or very easy (25%) to get an EPO. Fourteen percent (14%) felt it was somewhat difficult and 3% very difficult to get an EPO.

Figure 4. Reported Ease/Difficulty in Obtaining an EPO



Police officers reported little difficulty getting an EPO, particularly when the officer was prepared and identified issues necessary to qualify. Where getting an EPO was more difficult, police officers cited reasons such as long wait times (e.g., sometimes more than four hours to receive a call back from the JP) and the JP's lack of familiarity with the process.

Of those officers who had applied for an EPO, most reported that they usually told claimants that a lawyer was available to help with their review (73%). Nearly one third of officers (27%), however, reported that they did not usually tell claimants that a lawyer was available. (No reasons were stated.)

Affidavit of Service of the EPO on the Respondent

Only one officer reported that he/she knew of any cases where an EPO was not served on the respondent. The officer explained that this has happened several times, although not in his/her investigations. Most officers reported that they usually file an affidavit of service of the EPO (29 officers). Only 3 reported that they do not usually file an affidavit of service, and 25 did not respond. Those who do not usually file an affidavit of service did not explain why. Those who usually file an affidavit of service explained that it is necessary to enter the order on CPIC, and to make the order effective and section 127 charges viable. Several officers indicated that this is their department policy.

Direct Application for QBPO

Only three officers had ever been involved in a direct application for a Queen's Bench Protection Order (QBPO). These three officers reported being involved with 1, 3, and 100[10] applications, respectively. They were involved in the following capacities: referral, provide evidence, and provide information.

Officer Familiarity with WPE provision

The majority of officers reported that they were familiar with the Warrant Permitting Entry (WPE) provision of the legislation (32 officers). Nineteen (19) reported that they were not familiar with WPEs and six did not comment. Of those who were familiar with the WPE provision, most thought it was a useful provision (24 officers). Six did not think it was useful and two did not comment.

While the majority of officers indicated they were familiar with the provision, several of the subsequent comments indicated that some officers may have been confusing the Warrant Permitting Entry provision of the *PAFV Act* with other warrants permitting police entry into a dwelling place. For example, three officers indicated that the WPE provision was useful because it allowed an officer to enter the dwelling to remove the respondent and/or to serve the order on him/her. This perspective contrasts with the intent and purpose of the provision, which is to allow an officer to enter a dwelling to examine and remove a willing person.

[10] Since only 6 direct applications were reviewed for this project and 33 were made as of March 2000, it is unlikely that the officer was involved in 100 applications. It is probable that the term Queen's Bench Protection Order was confused with existing restraining orders or other remedies.

Other reasons the WPE was perceived as a useful provision included:

- provision of legal authority to check on someone when entry is refused;
- ease of obtaining the WPE:
- allows police to act when suspicion warrants investigation

Some officers explained, however, that existing case law provides for entry without a warrant if an officer believes someone is in immediate danger. In these instances a Warrant Permitting Entry may not be necessary.

Breach of Orders

Officers were asked: "In your experience do respondents adhere to the provisions of EPO/QBPOs?" About one third said yes (n=19), another one third did not know (n=17), and nine (n=9) officers reported that respondents do not adhere to the protection order provisions.

Approximately one third (18 officers) had been involved in a case where there was a breach. Of these, most proceeded by laying a charge under Section 127 of the Canadian Criminal Code (CCC) (11 officers). The remaining 7 officers proceeded by returning the case as a civil matter to Court of Queen's Bench.

Perceived Effectiveness of the Legislation

Most officers (n=44) felt that the legislation was an effective tool for responding to family violence. Only 3 officers felt that the legislation was not an effective tool. Of these, comments included "somewhat but it will always be an administrative response to a physical problem," and "easy to manipulate system, more discretion and powers removed from police and subject to judicial review prior to executing." Most officers (n=40) also reported benefits of the *PAFV Act* over other available remedies. A few (n=5) felt there were no benefits of the *Act* over other available remedies.

The most common perceived benefits of the *PAFV Act* was that it provides more options for police officers and an immediate response to family violence. Several officers indicated that victims often do not want to go to court but want out of the situation; the EPO is perceived as beneficial because it does not require a criminal charge. The EPO also provides for arrest of the respondent upon breach, which is viewed as providing some "teeth" to the legislation. Other reasons the *Act* is seen as beneficial include: it can force the respondent to get help, it attempts to provide a break in the violence in an attempt to ensure safety, it's been an effective tool to prevent violence in some cases, and it provides conditions that other orders do not.

Officers were asked how they decide to use the *PAFV Act* **instead of** other remedies. The most common reason for using the *PAFV Act* instead of other remedies was when criminal charges were not laid. For example, officers indicated that in many cases the claimant may be reluctant to provide enough evidence to pursue criminal charges, the claimant may not want criminal charges, Criminal Code charges may not be applicable or the case may require further investigation. For example, "if there are reasonable grounds to believe there is potential for violence, but not enough evidence to lay criminal charges" an EPO would be requested. Some officers reported that an EPO can be used prior to a criminal offense occurring (e.g., when the victim fears for his/her safety).

The second most common reason for using the *PAFV Act* instead of other remedies was that "it depends on each situation and those involved." For example, many factors are considered including the nature of alleged abuse, and whether or not children are present and whether family support is available nearby. Two officers reported that there are policy directives regarding requesting an EPO. Other reasons included:

- immediate danger,
- serious or chronic situations, and
- potential for the accused to be released from custody on bail without conditions.

One officer indicated that restraining orders and peace bonds are only more effective than an EPO if the couple have already separated.

Officers were further asked, "How do you decide when to use the *PAFV Act* along with other remedies?" The most common response was that it depends on the circumstances. Four officers reported that they tend to use the *PAFV Act* only when other remedies are not utilized. For example, "if the remedy is Criminal Code and conditions, the EPO adds little". Others disagreed. That is, four officers reported that there are often benefits of using the *PAFV Act* in addition to other remedies such as criminal charges. For example, "use of the *PAFV Act* complements charges". Some felt that layering of orders was helpful so that if one expires or lapses, another is still in effect. Three officers would use the *PAFV Act* along with other remedies when the respondent was likely to plead guilty and a further court order and/or conditions would not be in place. Other reasons included an emergency situation where an immediate response is required, a long history of abusive behaviour, and where children are involved. One officer indicated that utilizing the *PAFV Act* may assist persons with low incomes who cannot afford lawyers for restraining orders.

"This legislation has given police hope for victims. We can now act in a more meaningful and lasting way." (Police Officer)

The major perceived impact of the *PAFV Act* on the police response to family violence was that it has provided another alternative for dealing with these situations, although several officers noted that the *Act* has not significantly changed the way they respond to family violence incidents. Some officers reported that domestic violence tolerance levels have lowered, and the *PAFV Act* provides for a quicker response to family

violence. For example, "I will request an EPO if the criminal investigation is very involved and may take a long time."

Officer Awareness of Family Violence Issues

Most officers reported that their awareness of family violence issues had not changed since the *PAFV Act* was introduced (n=38). Some officers reported it had changed somewhat (n=8) as a result of training information and by being mindful of possible applications and solutions.

Most officers who reported their awareness had not changed explained that they were already aware of family violence issues. Some further commented, however, that they now have the discretion/ability to deal with matters of family violence with a different avenue of action. One reported that the "helpless feeling is now gone." Another complained that the courts, however, "are blind to the problem and allow it to continue." And finally, "It's up to the victim to take the first step to stop the violence. We can only educate them and let them know we'll be there for them once they pick up the phone to call for help."

Suggested Improvements – Officer Perspective

Officers were asked, "what improvements, if any, are necessary to make the *PAFV* legislation a more effective tool for you as a police officer?" The most common suggestion was more overall training and follow-up with key stakeholders. For example, ongoing training for both JPs and police officers as well as increased awareness and education for the general public. Some officers indicated that Victims Services Unit (VSU) staff should be permitted to assist and obtain orders on direction of police and requested consistency and recognition from JPs on this matter. Some officers indicated that a local JP or a senior officer should be authorized to hear applications for EPOs. Several officers also suggested that applications should be kept simple and easy to process. Other suggestions included the following:

- There should be more funding for follow-up (e.g., intervention teams, family support).
- Legislation should address victim's responsibilities once the offender is removed from the home.
- The *Act* should include foster children in the definition of family.
- The punishment for offenses should be consistently enforced to ensure maximum deterrent.
- Periodic review of the legislation by police members.
- The *Act* should state definition of emergency.

Experience and Perspectives of Presiding Justices of the Peace

Structured telephone interviews were conducted with 14 presiding JPs[11] to gather their perspectives about the legislation, how it is being used, and areas for improvement.

The JP administrator provided names and contact information for 14 presiding JPs (7 each from Edmonton and Calgary) that had agreed to participate, including a mix of those with little to a great deal of experience with the legislation. Interview questions were distributed in advance to each participant. Findings are presented below.

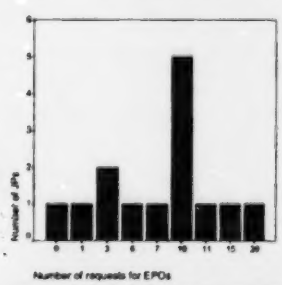
Experience as Presiding JP

All participants had been presiding JPs for a minimum of one year (since the legislation was passed in June 1999). Of those interviewed, only 3 differentiated the "presiding" JP distinction, i.e., since the *PAFV Act* was passed. Overall, eight participants reported that they had been a presiding JP for 2 to 3 years; six between 1 and 2 years. This suggests that JPs do not view their role as a presiding JP significantly different from their previous JP role. This may be particularly true for some due to the very small number of *PAFV Act* cases with which they have been involved. Many JPs indicated that their role, indeed, has not changed much since the introduction of the *PAFV Act*.

Number of Requests for Emergency Protection Orders (EPOs)

There were an estimated 116 requests for EPOs among all fourteen presiding JPs. Most JPs provided an estimate of the number of requests for EPOs they had heard; one provided an exact number. Overall, the estimated number of requests for EPOs ranged from none (only 1 JP had not heard any applications) to twenty. Most JPs interviewed had heard at least 10 requests for EPOs.

Figure 5. Number of Reported Requests for EPOs (by JPs)



A few JPs further commented that it is common to receive informal telephone inquiries versus formal applications. These inquiries were not reflected in the total number of requests for EPOs. There was divided opinion on whether or not this practice (informal inquiries) was appropriate; some JPs felt that those making applications should not reveal any information

[11] Those designated as presiding JPs under the Justice of the Peace Act. They are also specifically trained to hear requests for Emergency Protection Orders.

in advance of an official hearing, whereas others were prepared to suggest whether or not the case had any merit before proceeding.

Warrants Permitting Entry (WPE)

None of the presiding JPs had heard an application for a Warrant Permitting Entry (WPE). This finding is consistent with records maintained by the Alberta Government which indicate that the WPE option has not yet been utilized.

Training

The majority of JPs interviewed had received training regarding the use and provisions of the *PAFV Act*. Only one had not received formal training, and was self-taught by reading the legislation. Most JPs described the training as a half-day seminar conducted shortly before the legislation came into effect, including presentations from a Queen's Bench Justice and Alberta Justice staff (legal perspective), as well Alberta Children's Services (profiling of abusers, cycle of violence, social science perspective). Some JPs further noted that materials and regulations were distributed and case law presented from other provinces. One JP had also attended a two-day seminar sponsored by Calgary Legal Guidance (CLG).

Of those JPs who received formal training, most reported that the training had adequately informed them of the **provisions** of the legislation (n=10). One expressed concern regarding inconsistency relating to who is authorized to make applications and suggested that there should be a formal, standard process for determining authorization. Two expressed that at the time of training, paperwork and forms were incomplete and much work remained to introduce a standard approach to documentation.

Just over half of the JPs reported that the training had adequately informed them of **procedural** aspects of granting or denying an EPO (n=8). However, several of these also noted that there were procedural aspects that could not have been foreseen but have since been worked out (e.g., initial delays with transcripts and meeting the 7-day period for Queen's Bench). Several JPs suggested that it would be appropriate to revisit procedural issues now that there has been an opportunity to use the legislation. They would like to review practice and receive feedback and clear direction from Queen's Bench. For example, one JP indicated it is sometimes unclear whether or not JPs have the jurisdiction to grant certain requests under the blanket provision (#7). Another expressed difficulties determining the location for the initial review when it is not possible to attend at Queen's Bench (e.g., RCMP station or local courthouse).

Almost half of the JPs reported that the training had adequately informed them of **types of issues** to consider when granting or denying an EPO (n=6), although most also expressed that this was outlined fairly well in the legislation itself. JPs explained that the legislation identifies the four issues

one must consider in determining whether or not to grant an order (including the nature and history of family violence, immediate danger, and best interests of the claimant and/or child). Some JPs further maintained that decisions under specific circumstances should be left up to judicial discretion, and that it is not possible to "draw a line in the sand" to determine when to grant or when to deny an application.

Suggestions to Improve Training Program

Overall, JPs were asked what improvements in the training program were needed. While most were generally satisfied with the training program, the most common suggestions for improvement was follow-up training and feedback from Queen's Bench. JPs would like to know the decisions at Queen's Bench regarding orders they have granted and would like to learn how consistent JPs are regarding granting/denying the applications, and would welcome discussion among Justices and Judges regarding circumstances when orders are granted versus denied. Some JPs further noted that increased education would be helpful regarding what other remedies are available (peace bonds, etc.).

Several JPs made suggestions related to reference materials and documentation. For example, one suggested a checklist for applications, both substantive and procedural; another suggested developing a booklet that was easily referable.

A few JPs expressed that police should receive training regarding when it is appropriate to use an EPO. For example, "*If the respondent is in custody they shouldn't request an EPO because it's not an emergency. If it's not an emergency they should go to Queen's Bench.*"

One JP requested clarification regarding how the *PAFV Act* relates to child welfare provisions. For example when the respondent is a child under the Child Welfare *Act*, which *Act* takes precedence?

Perception of Appropriate Usage of the Legislation

"I've been very satisfied with the quality of material that has come before me." (Presiding JP)

Not all JPs were unanimous in their opinion as to whether or not the legislation was being used appropriately. Some saw a great deal of potential for infringing on the liberties of the respondent, and perceived that many officers were trying to use the legislation as an alternative to the Criminal Code. Others felt the legislation was being used appropriately and filled a necessary gap in the system. (Note: Based on the answers provided, it is clear that the question was interpreted for the most part as "are EPOs being requested appropriately?")

Six JPs felt that the legislation was, for the most part, being used appropriately. For example, several JPs commented that the *PAFV Act* contains provisions the Criminal Code does not. One JP indicated that

officers are generally well prepared and are making appropriate requests for EPOs.

"I think victims need to be more forthright about laying charges." (Presiding JP)

Six JPs reported that requests for EPOs were not always appropriate. The most common reason involved situations where JPs perceived that officers were attempting to use the legislation as an alternative to the Criminal Code. For example, requests for EPOs when the victim is reluctant to lay criminal charges are perceived as inappropriate. One JP felt strongly that EPOs should not be used if the claimant is not willing to press criminal charges. Some JPs felt that the release provisions under the Criminal Code were sufficient and that in many cases where there were criminal charges an EPO would be redundant. One JP indicated that an EPO is more effective in cases where a criminal offense has not taken place.

Others felt that a request may be appropriate if the respondent has not yet had a bail hearing. If a bail hearing has already occurred one JP stressed that "it could make the EPO unnecessary because there is overlap with bail conditions. They are the same conditions and the same order (such as no contact and respondent not to attend at residence)." Other circumstances when requests for EPOs were not seen as appropriate included if the complainant had been gone from the house for an extended period of time and/or if the respondent was in custody.

Definition of an Emergency

The legislation does not specifically define the term "emergency." Interpretation is a matter of judicial discretion, to be decided on a case-by-case basis. Presiding JPs were asked to define an emergency within the context of the *Protection Against Family Violence Act*. The key elements of an emergency are presented below in descending frequency.

Element	#
• *Imminent danger, requiring immediate protection*	*7*
• *Depends on particular circumstances of each case*	*3*
• *History of violence*	*3*
• *If no access to courthouse or QB Justice (by distance or time of day)*	*3*
• *Threat of violence*	*2*
• *By reason of seriousness or urgency*	*2*
• *If accused is not in custody*	*2*
• *If all four elements are met and accused is not in custody*	*1*
• *If case cannot be adequately dealt with on bail*	*1*

Procedure

Procedurally, most requests for EPOs were made via telephone by a police officer to the presiding JP at the bail office in Calgary or Edmonton.

The police officer would call the office and indicate that he/she would like to make an application for an EPO. The JP would then contact Telus and Central Recording to prepare a transcript of the hearing. The JP would then call the officer back and proceed with the hearing. Some JPs indicated that to facilitate the process, information such as spellings of names, etc., is sometimes faxed in advance of the hearing, but that the intake sheet is filled out again during the hearing. Most JPs estimated that the process typically lasts approximately 20 to 30 minutes.

Concerns Regarding the Process of Granting/Denying an EPO

The most common concern expressed by JPs regarding the **process** of granting/denying an EPO was the voice activation system for applications. Technology that allowed for breaks in the conversation would enhance the application process. Another concern was related to the appropriateness of applications as previously addressed as well as clarification/consistency regarding persons designated to make applications. Another issue was that of affirmed versus sworn testimony. Police often do not have a Bible present during the application; thus their testimony is considered affirmed versus sworn. Being sworn was seen as preferred over being affirmed. Some JPs expressed concerns about substitutional service of the EPO, particularly confirming that the respondent has in fact received notice of the order. Other JPs indicated that a more comprehensive checklist for applications would be helpful (e.g., including procedures, conditions, and tasks for completion). Finally, several JPs requested guidance on where to schedule the initial review when there is no Queen's Bench base point as well as further guidance regarding holiday situations.

JP Perspectives Regarding Effectiveness of Legislation

Generally speaking, most JPs felt the legislation was an effective way of helping the victims of family violence with some limitations. The immediacy and comprehensive conditions of the legislation were stated as reasons for its effectiveness. Some JPs viewed the legislation as an attempt to deal with potentially tragic situations before the fact and as a useful supplementary tool to the criminal process. The legislation was perceived as filling two main gaps: for emergencies and for after hours applications.

As discussed previously, the most common reservation expressed by JPs focused on the perceived inappropriate use of the *PAFV Act* instead of criminal charges. Another concern was the need for the court to remain sensitive to the infringement on the respondent's liberties.
One JP indicated that it is not possible to comment on the effectiveness of the legislation without follow-up from Queen's Bench regarding what happens afterward. Finally, one JP noted that because of the complexities of family violence it is unlikely that "any measure along the lines of a restraining order will really solve the problem."

Awareness of Family Violence Issues

Most JPs reported that their awareness of family issues has not changed much since the *PAFV Act* was introduced (n=8). Others reported that their awareness had increased either slightly or marginally (n=6). This was not surprising given that most JPs had significant previous experience with family violence issues; for example, through previous experience at the bail office, as crown prosecutor, or through private practice (both criminal and civil, particularly family law experience).

Some JPs attributed an increase in awareness to the *PAFV Act* training sessions. For example, "the social science part went a long way to give me a more insightful sense of family violence," and "the training helped with profiling of abusers."

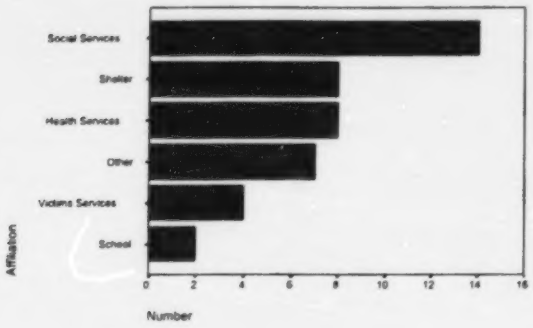
Suggested Improvements (JP Perspective)

In addition to comments already provided, JPs were asked to identify what changes (if any) were necessary to improve the use of the legislation. The most common suggestion was to provide more training for everyone involved including police, social workers, JPs, and judges (e.g., train police regarding when it is appropriate to make applications; clarify procedures and have refresher training and follow up from Queen's Bench for JPs).

Experience and Perspectives of Community Agencies

Representatives from 100 community agencies were randomly selected from a network listing of agencies and individuals maintained by the Office for the Prevention of Family Violence. Surveys were distributed by mail with postage-paid return envelopes. The overall response rate was 43%. Survey respondents represented community or government social services (32%), women's shelters (19%), health services (19%), police victims services units (10%), schools (5%), and other (15%). Other affiliations included university, jail, crisis line, Alberta Justice, and Native Village Council. Participants' primary role with victims of family violence included administrators/coordinators/supervisors (28%), educators (26%), counselors (26%), referral/information sources (9%), crisis intervention workers (7%), intake workers (2%), and other (2%). Survey participants were involved with an average of 16 family violence cases per month, ranging from 0 to 87 cases. The average number of cases per year was 61, ranging from 0 to 350 cases.

Figure 6. Community Agency Representative Affiliations



Awareness of the *PAFV Act*

All respondents were aware of the *Protection Against Family Violence Act*. Most reported first becoming aware of the *Act* through training/information sessions (58%), followed by other sources (26%), news/media (9%), and from victims themselves (2%). Other sources included the Alberta Council of Women's Shelters, co-workers, mail-outs, and Alberta Government Website.

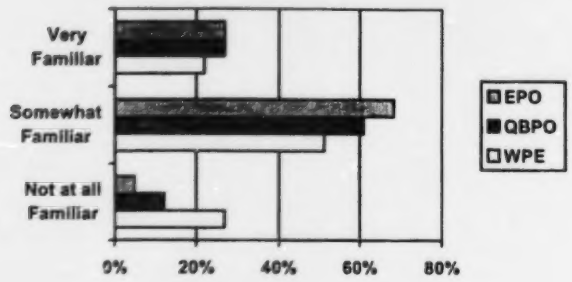
Table 23. Awareness of PAFV Act

Awareness of *PAFV Act*	**n**	**%**
Training/Information Sessions	25	58.1%
Other Sources	11	25.6%
News/Media	4	9.3%
Victims	1	2.3%
Not Stated	2	4.7%
Total	**43**	**100.0%**

Familiarity with Options Under the Legislation

Agency representatives were asked to rate how familiar they were with the three main options available under the *Act*: Emergency Protection Order (EPO), Queen's Bench Protection Order (QBPO), and Warrant Permitting Entry (WPE). The majority of participants were either somewhat or very familiar with all three options. However, a greater proportion of respondents (22%) were not at all familiar with the Warrant Permitting Entry option. Only 5% were not familiar with the Emergency Protection Order and 12% were not familiar with the Queen's Bench Protection Order options.

Figure 7. Agency Representative Familiarity with PAFV Act Options



Training

The majority of agency representatives had received specific training or had attended information sessions regarding the *PAFV Act* (71%). The most common source of training and/or information included community workshops and information sessions sponsored by Alberta Justice, RCMP training workshops, and women's shelter presentations. Of those representatives who had received specific training, most agreed that the training had adequately informed them of the options available under the *Act* (76%). Community agency suggestions for further training or information include:

- Provide follow-up and/or refresher sessions;
- Allocate more time for training (more than one half day);
- Provide further information regarding options and use of the *Act;*
- Provide more information now that the *Act* has been in use for some time (i.e., how it is being used);
- Provide information regarding the operational mechanisms and regulations of the *Act;*
- Detail the costs involved, step-by-step procedures, list of forms and official documents; and
- Articulate the role and expectations of police officers.

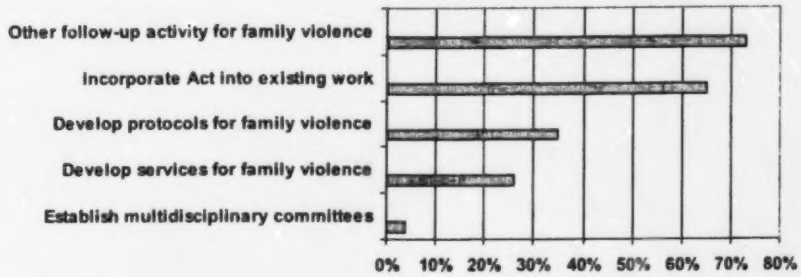
Follow up to Community Information Sessions

Participants were asked about specific follow-up activities to community information sessions. The majority of participants reported at least one follow-up activity. The most common response was "other follow-up actions" (73%) such as changes in Website information, cross-training in collaboration with the RCMP, ongoing staff training, and information sharing (e.g., with Public Health Nurses, community partners, and family violence security agencies).

The second most common follow-up activity was to incorporate the *Act* into existing committee work (e.g., inter-agency meetings and ongoing

discussions regarding how to improve services for families experiencing abuse.)

Figure 8. Follow Up to Community Information Sessions



Protocols for family violence included ensuring that resources were available for family violence, identifying priority families (those affected by poverty and/or abuse), and ensuring follow up upon contact. Services for family violence included the development of family violence life skills (one agency built a number of professional contacts for liaison purposes) and the development of a safety checklist. One agency was awaiting funding approval for a Family Violence Response Team. Only one agency representative indicated the establishment of multidisciplinary committees for family violence as a follow-up to the information sessions. Several agencies that did establish protocols, services, or multidisciplinary committees expressed that these were already in place prior to the implementation of the *Protection Against Family Violence Act*.

Utilization of the Legislation

Participants were asked whether they had ever encouraged a client to apply for an EPO and whether or not clients were generally willing to apply.

There was a fairly even split between the number who had encouraged a client to apply for an Emergency Protection Order (n=19) and those who had not (n=18). Six participants did not comment. Only eight participants reported that clients are generally willing to apply for EPOs. Thirteen reported that clients are not generally willing to apply, although the majority (n=22) did not respond to this question. Of those who said clients were not willing to apply for EPOs (n=13), five explained that reluctance was due to fear of possible repercussions and fear of their partner. Four others indicated that many clients do not feel the EPO will work, that it will be too much trouble to get, or that the police will not be able to enforce it.

Of those who had encouraged a client to apply for an EPO, most (12 of 19) referred clients to the police (either at the station or by phone). Eight

participants also reported other referral sources including domestic violence unit, family violence coordinator, lawyer, and counseling services staff.

Most participants (n=35) had not encouraged a client to apply directly for a Queen's Bench Protection Order (QBPO). Only 8 participants had done so, and of these, they reported to have recommended this option for between 1 and 250 clients. Between 0 and 60 of these clients were estimated to have applied for QBPOs. Again, as with the officer data, it may be that some participants were confusing Queen's Bench Protection Orders with other existing remedies such as stand-alone or ex-parte Restraining Orders.

Only one participant reported having recommended a Warrant Permitting Entry to anyone. The participant explained it was for the safety of the immediate family and for the community. Of those who have not recommended this option, most explained that there has not yet been a need or that their involvement with clients typically arises after a crisis situation.

Impact of the Legislation

Almost all agency participants felt that the legislation was an effective way of helping the victims of family violence (77%). The majority of participants (63%) also felt there were benefits of the *PAFV Act* over other available remedies. A few perceived no benefits (7%), and the remaining participants did not comment (30%).

The legislation is a "positive start in changing the legislative attitude toward family violence." (Agency Representative)

Reasons the legislation was seen as an effective way of helping the victims of family violence included the following:

- It provides concrete options to intervene (for the police and others),
- It is immediate and provides easier access to protection,
- It allows for some control over the situation for the victim (e.g., it allows the victim the continuity of living in their own home), and
- The onus is placed on the community versus the individual.

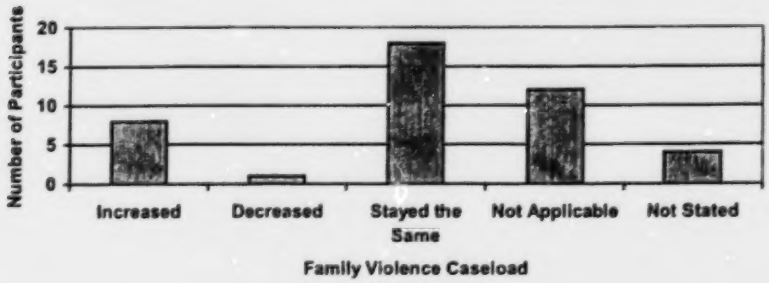
Those who felt the legislation was not an effective way to help the victims of family violence gave the following reasons:

- Need more shelters;
- Need more proactive family support systems;
- A protection order may be difficult to enforce for a violent partner; and
- There are gaps in the legislation (e.g., same-sex couples, family members not living in same dwelling, caregivers that are not family members, and survivors of domestic violence with disabilities).

Influence of Legislation on Family Violence Caseloads

Almost half of the participants (42%) reported that their family violence caseload had not changed since the implementation of the *Protection Against Family Violence Act*.

Figure 9. Reported Changes in Family Violence Caseloads



A few participants reported that their caseloads had increased, although most of these further indicated that the increase was not solely attributable to the *PAFV Act* but to other factors such as increased awareness of family violence, media attention, and increased willingness to seek counseling and other support services. Of those who reported that their caseload had stayed the same, two commented that they were from a rural area where police "don't seem to know about it (the legislation)." Most agency representatives (70%) reported that their awareness of family violence issues had not changed since the *PAFV Act* was introduced. Participants were "very aware" of family violence issues before the implementation of the *Act* as most worked directly in the field of family violence and thus dealt with family violence issues on a daily basis. Some stressed, however, an ongoing need for the general public, lawyers, police, victims services, front line workers, prosecutors, judges, and others to better understand the context of family violence.

Suggested Improvements – Community Agency Perspective

Awareness and Training Programs

The most commonly suggested improvement was more training/awareness and education for various groups including police, lawyers, judges, social workers, nurses, and the general public. For example, police need to be willing to use the *Act*. Others would like to see continued monitoring of utilization of the *Act*.

Improvements to the Legislation

Some representatives felt that the *Act* should broaden the definition of family (e.g., include same-sex couples and caregivers). Others indicated that the *PAFV Act* should be more coordinated with the *Protection for Persons in Care Act*.

Process and Procedures

Several representatives felt that the application process should be easier for clients. For example, court workers or lawyers should be available to assist applicants through the court process. More gender-neutral enforcement was requested as well as a recognition of the role of Victims Services Unit personnel. There was a request for clearer understanding of what will happen at Queen's Bench and what is required of the claimant. One suggestion included a comprehensive protocol regarding laying a charge, enacting the *PAFV Act* and what happens as the client goes through the system, as well as a consistent approach by courts when EPOs are breached. Others stressed the importance of ongoing collaboration with Native bands.

Information and Support Services

Agency representatives indicated that information and support services are required for both victims of family violence and perpetrators. For example, anger management courses, client information pamphlets, counseling, and ongoing follow up.

Experiences and Perspectives of Legal Agencies

Structured telephone interviews were conducted with five lawyers and one intake worker who had experience with the *PAFV Act*. One additional lawyer responded in writing. Participants interviewed had experience with the *Act* through the following agencies/organizations:

- Edmonton Protection and Restraining Order Project (PROP),
- Calgary Legal Guidance (CLG),
- Lethbridge Legal Aid, and
- Fort McMurray Legal Aid.

Training/Technical Meetings

Most lawyers reported being largely self-trained by reading the legislation, reviewing the experience of other jurisdictions, and speaking with police officers and clerks of the Court. Two attended sessions at the Courthouse through Alberta Justice. These sessions were described as opportunities to provide input versus training per se. Requests/comments regarding further information or clarification included the following:

- Ensure that visual communications (e.g., flow chart at Courthouse) accurately represents the legislation;
- Establish consistent protocols regarding responsibility for serving the orders (e.g., if original EPO is vacated and replaced with QBPO, who should serve the QBPO? If original EPO is confirmed, does it have to be redone and served again?);

- Establish protocol regarding restraining access to children (e.g., in some cases there may not have been specific grounds to restrict access to children that may turn into custody/access battles);
- Clarify requirements for affidavit evidence (e.g., transcript and/or subsequent affidavit of claimant); and
- Clarify incongruence between the legislation and the EPO form (e.g., Sec 3(2) of legislation stipulates that the hearing must be based on affidavit evidence and any other sworn evidence which is in contradiction to the EPO template which states the review will be based only on affidavit evidence.

Utilization of the Legislation

Lawyers retained through PROP and CLG had each dealt with between 30 to 45 *PAFV Act* cases at the time of interview. Lawyers retained through Legal Aid had dealt with between 3 and 9 cases. One lawyer who had been retained privately had dealt with between 10 to 15 *PAFV Act* cases. PROP and CLG had acted as counsel for claimant for most cases, and occasionally (4 or 5 cases) as a Friend of the Court. [12] Lawyers indicated that the practice of acting as Friend of the Court was more common initially when the legislation was first enacted. Legal Aid had acted always as counsel for claimant, and the two other lawyers had represented both claimants and respondents. When asked how often claimants ask to revoke the EPO at the review, there was no common response pattern. For example, two reported that the majority (of claimants) want the EPO confirmed whereas one reported that claimants have wanted it dropped every time. One reported that it is more common for the claimant to want it dropped after the seven-day review date; another indicated that it is hard to generalize because some months it appears that most claimants want the orders vacated and in other months claimants want them confirmed.

Only two of the lawyers had been involved with a direct application for a QBPO. Direct applications have been described by other key stakeholders as inaccessible to claimants, particularly because it involves going to Queen's Bench, obtaining independent legal representation or going un-represented. One of these lawyers suggested that Queen's Bench courthouses should have a duty counsel on site who would help claimants make these applications. This individual stressed that the *Act* risks losing legitimacy if it is not applied consistently. The perceived and/or real barrier to accessing the Queen's Bench Protection Order directly is substantiated by low utilization statistics. That is, this avenue is rarely pursued compared to the Emergency Protection Order option. Only 33 direct applications had been processed across the province as of March 2000. However, it should be noted that there were 453 ex parte restraining orders granted from June 1, 1998 – May 31, 1999 and an additional 520 granted between

[12] Friend of the Court refers to a lawyer providing information to the court when not retained by an individual client. The lawyer is not representing a client but providing information to the Court.

June 1, 1999 – May 31, 2000. It appears that the existing option is being used rather than the *PAFV Act* in these cases.

Breaches

Lawyers were generally unaware of whether or not respondents typically followed the conditions of EPOs and QBPOs. Most reported that they would need to be contacted by the client to learn about a breach, and that in general it depended on the respondent. There were differing perspectives regarding what happens after a breach. Some reported that respondents are usually not penalized for a breach, although others reported that respondents are usually charged (s.127 CCC). One lawyer with experience representing respondents indicated that breaches are often instigated by the claimant, and that meaningful consequences are warranted where a claimant proceeds maliciously or instigates a breach.

Length of EPOs and QBPOs

Most lawyers felt that the length of EPOs and QBPOs were adequate, although one noted that it becomes difficult when children are involved (e.g., the process can become a large custody battle).

Involvement with Family Violence Cases

Three lawyers reported that their involvement with family violence cases had increased since the *PAFV Act* was introduced. However two of these explained the increase was not attributable to the legislation but rather due to other factors such as duty counsel role, increased public awareness and increased reporting of family violence situations. Three lawyers reported that their involvement had stayed the same. In general, the client base was seen as similar to those before the implementation of the *PAFV Act*.

Effectiveness and Benefits of the Legislation

All lawyers interviewed felt that the legislation was an effective way of helping the victims of family violence, at least in the short term. Perceived benefits of the legislation over other available remedies included:

- Immediacy/expediency;
- Comprehensiveness of conditions (e.g., exclusive occupation of residence; financial responsibilities; counseling);
- Application to those not married;
- Enforcement (able to charge on breach).

Some lawyers perceived, however, that the legislation has been underutilized and that more lawyers in particular need to know about it.

Awareness of Family Violence Issues

Most lawyers interviewed felt that their awareness of family violence issues had not changed since the *PAFV Act* was introduced, primarily because of extensive previous experience in family law. One had conducted extensive research on the legislation including similar legislation in other jurisdictions in Canada as well as the United States and as such reported increased awareness of family violence issues.

Improvements

Lawyers provided the following suggestions to improve the use of the legislation:

Training

- Provide ongoing training for police and JPs,
- Address officer reluctance to use the *Act*, and
- Address issues when children are involved (e.g., appropriateness of restraining access to children).

Procedures

- Reconsider the seven-day waiting period (e.g., 2-3 weeks may be more realistic where there is no Queen's Bench Justice),
- Address difficulty of serving the respondent with order after review (difficult to locate if not residing in the family home), and
- Articulate and enforce penalties to applicants who proceed maliciously.

Communication and Structure

- Improve communication to clients regarding what is expected after the EPO is granted (e.g., file affidavit with the Court), and
- Address structural and budgetary constraints (e.g., need lawyers familiar with the legislation and adequate structural support such as office administration) or risk losing legitimacy of the *Act*.

Perspectives of the Interdepartmental Committee on Family Violence

The implementation of the Alberta *Protection Against Family Violence Act* was guided by the Government of Alberta Interdepartmental Committee on Family Violence (ICFV). This committee was formed in 1989. A total of fourteen (14) member representatives who have served on the ICFV from 1 to 11 years were interviewed as part of the evaluation project.[13] Members represent the following groups:

- Alberta Children's Services (4),
- Alberta Justice (5),

[13] More detailed information about the ICFV is presented in Appendix A.

- Community Development (1),
- Alberta Learning (1),
- Alberta Health and Wellness (1),
- Alberta Agriculture, Food, and Rural Development (1),
- Alberta Alcohol and Drug Abuse Commission (1).

Reasons for Success of the ICFV

Members of the Interdepartmental Committee on Family Violence view the committee as a successful interdepartmental government collaboration. Perceived reasons for the success of the ICFV include the following:

- Clear leadership;
- Continuity of membership on ICFV;
- Positions of members in home departments (i.e., in decision-making positions);
- Commitment of members;
- Positive collaborative relationships and trust between members;
- Shared understanding of goal, purpose, and agenda;
- Good fit of ministries and departments; and
- Shared workload.

Value of ICFV

Reported value of the ICFV included the following:

- Information sharing (i.e., allows a communication forum for what people from various departments are doing),
- Networking,
- Learning from each other,
- Supportive of the legislation,
- Model for inter-Ministry collaboration, and
- Opportunity for a coordinated response to public issues.

PAFV Act Implementation Committee

Membership

The Implementation Committee was formed in late 1997 to address the implementation of the *PAFV Act*. All but two of the 14 ICFV members served on the Implementation Committee (i.e., either as Sub-Committee Co-chair, or by providing input to specific Sub-Committees). The key accomplishment of the Implementation Committee was the implementation of the *Protection Against Family Violence Act*. Various workshops, education and training sessions have been held around the province. Further training of Child Welfare workers in the appropriate use of the legislation has been undertaken and has become a standard component of child welfare training. In addition, the committee will introduce efforts to increase public awareness of the *Act*, particularly in rural and remote areas of the province. Committee members believe that the *Act* provides

another tool to stop abuse and reduce incidents of family violence in Alberta.

Looking to Evaluation Findings

Evaluation is valuable in that results will be used as a constructive tool to indicate where and how the legislation is working well to positively impact families, where the *Act* is not working so well including what improvements are required, and what further training should be conducted. Evaluation in this first iteration will be shared at a symposium in November 2000. This will provide another opportunity to assess how well things are working and what problems and challenges are being experienced.

Interdepartmental Committee on Family Violence: Summary

The Interdepartmental Committee on Family Violence is a very successful cross-government committee sharing a common vision and working toward a common goal of reducing family violence in Alberta. Committee members regard their Chair as a strong and knowledgeable leader, well known and networked throughout the country. Her insights have provided guidance and focus for the fourteen Committee members who represent Alberta Children's Services, Alberta Justice, Community Development, Alberta Learning, Alberta Health and Wellness, Alberta Agriculture, Food, and Rural Development, and the Alberta Alcohol and Drug Abuse Commission. Members have valued opportunities to share information, learn from each other, model inter-Ministry collaboration, and most importantly, support implementation of the new legislation. Committee members themselves are connected to a broad range of stakeholder groups with whom information and expectations of the new legislation are shared.

Conclusions and Recommendations

The majority of key stakeholders felt the legislation was effective and reported benefits over other available remedies. The *Act* was seen, primarily, as providing another option for responding to family violence. Perceived benefits of the *Act* included the following:

a) immediacy and responsiveness,

b) comprehensiveness of conditions (particularly granting exclusive occupation of the family residence), and

c) enforcement (ability to charge on breach).

Furthermore, the Interdepartmental Committee on Family Violence (ICFV) remains committed to the reduction of family violence and is prepared to build on evaluation findings to improve the ongoing utilization of the *PAFV Act*. The following recommendations are provided to the ICFV.

1. Build on Strong Stakeholder Support

To sustain support for the legislation, maintain regular communication with all key stakeholder groups through updates, newsletters, training sessions, and various other forums. The evaluation revealed strong stakeholder support but this support may diminish as a result of time, frustration with the process, system or outcome, or a tendency to revert to existing remedies. There is opportunity to mobilize key groups of committed stakeholders to effect meaningful change in the long-term reduction of family violence.

2. Provide Opportunities for Improved Communication Between and Within Stakeholder Groups

The successful implementation of the *PAFV Act* has depended on the relationships among diverse stakeholder groups. Many of these individuals do not commonly work together on a daily basis, neither within nor across their group structures. For example, the presiding JPs are private lawyers who work in the Bail Offices in Edmonton and Calgary. They have little opportunity to work together and, in fact, work quite independently of one another. Police officers represent various different detachments, and community agency representatives work for various different organizations. Considering the complexity of this task, the entire process is working remarkably well. Perhaps the process has been facilitated most by the strong commitment to the protection against family violence that was expressed by all stakeholder groups.

One strategy to improve communication and a shared understanding of the process is to provide consistent information and client assistance at each Queen's Bench location. Furthermore, because implementation depends on successful communication between and among groups, opportunities should be created for these groups to collaborate. For example, facilitate communication between police officers and presiding JPs. Some tension has stemmed from the lack of an explicit definition of emergency (e.g., seriousness or urgency of a situation) and perceived inconsistencies regarding the appropriateness of applications and judicial decisions. Increased opportunities for collaboration and open dialogue between various stakeholder groups should be introduced to strengthen the shared commitment to the prevention of family violence, and to ensure consistent application of the legislation.

3. **Respond to Specific Requests for Training**

   Consider the specific training requests from each group in the planning and implementation of specific, targeted training programs. For example, presiding JPs requested feedback from Queen's Bench regarding the outcome of cases as well as information about the overall consistency of JP practice. Another key element of training should address the differential understanding of the appropriateness of utilizing the *PAFV Act* along with, or instead of, criminal charges. For example, some stakeholders expressed concern that the legislation should not be used as an alternative to the Criminal Code. However, there was divided opinion on this issue as many others felt that the legislation filled a critical gap in the existing system and cited many instances when it could be used both in conjunction with, and instead of, Criminal Code charges and other existing remedies.

4. **Address Process and Procedural Issues Related to Documentation**

   Complete documentation (e.g., copies of the Affidavit of Service of the EPO on the respondent) is required for enforcement of the legislation. As complete documentation was not always available at the time of our file review, address the various process issues related to documentation (e.g., clearly articulate responsibility for forwarding documents to the Court).

5. **Continue to Monitor the Utilization and Impact of the *PAFV Act* through Evaluation**

   Continue to monitor the utilization and impact of the *PAFV Act* and provide feedback to stakeholders. Consider recruiting additional stakeholder groups, particularly victims of family violence, to participate in the next phases of evaluation.

6. Maintain a Systems Perspective of Family Violence

Ultimately, legislation represents one approach to the protection against family violence, a complex issue mitigated by many factors including individual, family, community, and cultural factors.[14] Stakeholders, including the ICFV, recognized that multiple strategies must be implemented concurrently to reduce the overall incidence of family violence. Long-term sustainable change will only occur when we achieve "a culture that does not tolerate family violence" (Community Agency Representative).

[14] Alberta Family and Social Services, (1994.) *Breaking the Pattern.*

Appendix A

Interdepartmental Committee on Family Violence

Table A1. Length of Committee Membership (ICFV)

Ministry/Organization	10+ years	8 years	7 years	6 years	5 years	4 years	<2 years
Children's Services	2*						2
Justice	1	1	1	1			1
Community Development					1		
Learning				1			
Health and Wellness							1
Agriculture					1		
AADAC		-				1	

*Number of members representing the Ministry.

Roles of ICFV Members

Chair

- Founder and lead of the ICFV
- *Knowledge of global issues related to family violence and implementation of the Act
- Assistance from other ICFV members
- Links to MLAs
- Facilitates awareness of political issues to ICFV
- Provides feedback to Justice on federal-level proposals related to family violence
- Brings the perspectives of various groups (e.g., DOVE, Special Court in Calgary) to the ICFV

ICFV Members

- Represent various Ministries/Departments
- Network with other ICFV members
- Share information on family violence initiatives, programs, and training with other departments in the Ministry
- Share information about developments in home Ministry/Department with the ICFV

- Share perspectives on issues relevant to family violence (e.g., child abuse, child welfare, criminal/prosecution, policing services, women's issues, court services)
- Participation in discussions and deliberations
- Provide feedback on documents
- Promote own programs
- Recruit participants for Sub-committees

Ministry/Departmental Support for Participation

ICFV members are supported by their Ministries and/or Departments to participate on the ICFV. Members are given time to attend meetings and carry out the work of the various Sub-Committees. Only one Ministry (Children's Services) provides direct funding for the ICFV. The ICFV is identified in the Business Plan in the Ministry of Justice—multi-disciplinary committee work is therefore expected and supported.

Key Accomplishments

- Implementation of the PAFV Act
- Workshops, education and information and training sessions related to the Act
- Better access (24-hour access) to Emergency Protection Orders in expeditious and inexpensive way
- Engages victims in the justice system very quickly
- Removes offender from the home rather than the victim
- Enables police to move quickly
- Addresses different forms of abuse
- Increased public awareness of the Act
- Increased requests for information from police, lawyers
- Information is reaching rural areas
- Creation of an Attorney Handbook and other appropriate materials for police services
- Creation of a specialized docket court in Calgary to deal with family violence cases (specialized Prosecutors and Victims' Services workers and judges who are versed in the legislation)
- Consideration and consultation on the concept of a Unified Family Court to replace Court of Queen's Bench and Provincial Court
- Related successful work of DOVE which was initiated by an Alberta physician

Reasons for Success of the ICFV

- Clear leadership
- Continuity of membership on ICFV
- Positions of members in home departments (i.e., in decision-making positions)
- Commitment of members

- Positive collaborative relationships and trust between members
- Shared understanding of goal, purpose, and agenda
- Good fit of ministries and departments
- Shared workload

Value of ICFV

- Information sharing (i.e., allows a communication forum for what people from various departments are working on)
- Networking
- Learning from each other
- Supportive of the legislation
- Model for inter-Ministry collaboration
- Opportunity for a coordinated response to public issues

On a **personal level**, ICFV members see value in the ICFV

- Information sharing (i.e., research, multiple perspectives, policy formation and implementation)
- Improved understanding of the inner workings of government
- Informal sounding board on issues related to family violence
- Networking opportunities, contacts
- Work of ICFV contributes to functioning in own jobs in home departments (e.g., writing briefing notes, benefits clients of individual ICFV members)
- Expanded perspective and knowledge about family violence (e.g., severity of need, indicators of success, systemic and legal issues with Aboriginal communities/isolated communities, role of prevention)
- Sensitivity to family violence issues has been incorporated into job responsibilities

Challenges Facing ICFV

- Maintaining continuous Committee membership by relevant Ministries
- Encouraging new members to commit to the ICFV (e.g., Human Resources and Development, Learning, Mental Health)
- Time
- Sustaining commitment
- Securing Ministerial support for Committee action
- Prioritizing activities to handle information load
- Increasing public awareness (particularly in remote/rural areas)
- Fostering links at the community level with front-line workers
- Development of a 3-5 year Action Plan to monitor progress of the Act
- Securing funding support for ICFV in its collaborative endeavours
- Sustaining political profile of family violence at senior levels
- Communicating success
- Further training of Child Welfare workers
- Addressing First Nations issues
- Encouraging comprehensive risk assessments conducted by police
- Training judges in the appropriate use of the legislation

Expectations of Legislation

While Committee members are clear that the legislation is not intended for every circumstance, members expressed a number of expectations of the new Act including

- a way to stop abuse and reduce incidents of violence;
- police services and other support agencies will be knowledgeable about the legislation and see it as another useful tool;
- increased options for Child Protection, families, and victims
- safeguards and empowerment for victims;
- increased public awareness and understanding of the legislation;
- judges will begin to mandate treatment for offenders;
- more resources will become available to support implementation of the Act;
- the legislation will address Aboriginal issues related to family violence;
- additional regulations and/or changes to regulations will be required;
- healthier communities will develop through appropriate community-based services;
- change will be slow; and
- evaluation will confirm appropriate use of the legislation.

Restorative Justice

Several Committee members commented on the increasing focus on restorative justice approaches to addressing family violence. ICFV members wonder about the readiness levels of communities to accept a less stringent approach to addressing family violence based on treatment. The Justice Department has begun public consultations on restorative and community justice and will soon share those findings with the ICFV for its consideration.

Reach of the ICFV – Stakeholder Groups

To gain a sense of the reach of the ICFV, interviewees were asked to identify stakeholder groups with whom they maintained contact—on both Committee/Sub-Committee and personal levels. The following table presents that information.

Table A2. ICFV Stakeholder Groups

Ministry	Stakeholders	Personal Contacts
Children's Services	Ministers, Deputy Ministers, Children's Services, Justice, Human Rights and Citizenship, Agriculture Child and Family Services Authorities, agencies, service providers, community All members of ICFV Judicial system, Victims' Services, shelters, ER, police Aboriginal groups	
Justice	Related departments that are represented on the Committee and for time to time victims include • Law enforcement agencies (Chief of Police or Commander local RCMP, municipal, and Aboriginal police services) • Chief Crown Prosecutors Office, Judges, lawyers, JPs, Court Clerks, Chief Justice • Victims' Service workers, local advocacy agencies, Legal Aid • Child Welfare • Law Reform Institute • Action Committee for Family Violence • National groups - federal - provincial - territorial working groups with representatives from Justice departments	Chairs of Family Violence Policing Advisory Committee with representatives from every police service Representative from Alberta Council of Woman's Shelter
Community Development	Women's community in Edmonton	Some members of Women's committees/groups
Learning	Health and Wellness, Children's Initiatives, Community Development Nutrition Council, agencies (10-15), Cancer Society, Lung Association, Centre for Well-being, Safe and Caring Schools, Come Alive Project Interdepartmental Committee on Health and Life Skills (members from 11 departments - Health, Children's Services, Infrastructure, AADAC, Justice, Community Development) Federal links	
Health and Wellness	None mentioned	
Agriculture	Rural areas Children and their parents and the leaders (primary clients) Can get information to rural areas quickly through newsletters, rural papers News releases can add rural perspective and that will get picked up by rural media	Sits on Provincial Rural Crime Watch

AADAC	Office for the Prevention of Family Violence (OPFV), Justice, Children's Services, Health and Wellness Community side - AADAC funded agencies, community agencies, non-profit groups, mentor programs (Big Brothers and Sisters), those connected with Resiliency Campaign (encourages adults to spend meaningful time with adolescents and children as mentors or role models) Deputy Minister Committee for Children's Initiatives and worked with FAS initiative Multiple stakeholders at primary, secondary, and tertiary levels	

PAFV Act Implementation Committee

Membership

The Implementation Committee was formed in late 1997 to address the implementation of the PAFV Act. All but two of the 14 ICFV members served on the Implementation Committee (i.e., either as Sub-Committee Co-chair, or by providing input to specific Sub-Committees).

Table A3. PAFV Act Sub-Committees

Sub-Committee	Advisory	Data	Diversity	Education	Evaluation	Regulations	Support Services
Agency	Health & Wellness Agriculture	Children's Services (co-chair) Justice (co-chair)	Children's Services (co-chair) Community Development (co-chair) Children's Services Justice	Children's Services (co-chair) Justice (co-chair)	Justice (co-chair) Justice	Justice (co-chair) Justice	Children's Services (co-chair) AADAC (co-chair)

Roles of Implementation Committee Members

Chair/Co-Chair

- Originated the Implementation Committee
- Mandated to work with whomever necessary to implement the legislation

Implementation Committee Members

- Implementation Committee formed in 1998 and disbanded in 1999
- Community Development was identified to lead implementation of the Act because of its experience and proven effectiveness in community-based work
- MLA attached to the Act's implementation was J. Bergener
- No budget was provided for implementation
- All Implementation Committee members served as Chairs/Co-Chairs of Sub-Committees except for one member who did not serve on the Implementation Committee and did not work on any Sub-Committee (Children's Services representative who serves as Aboriginal representative/resource person)
- Members shared expertise and information from their home Ministry/Department
- Sub-Committees were task oriented

Table A4. Sub-Committee Task and Accomplishments

Sub-Committee	Tasks and Accomplishments
Advisory	Proposal development for National Crime Prevention Centre, Community Mobilization Grant. Proposal not successful. Turned proposal over to communities to submit (two communities are proceeding with grant applications).
Data	To provide context around data collection (paper trail of development process).
Diversity	$115,000 grant from Human Rights, Citizenship and Multiculturalism Education Fund distributed to 12 community groups to train and deliver information to communities with diverse needs; projects range from $8000 to $20,000. Focus groups on the Act were conducted. Translations and plain language brochures were distributed. Sub-Committee currently reviewing concerns of community members/feedback on the Act. Wrap-up Report will be presented to the ICFV. Translations will be printed through the OPFV. As of June 2000 Diversity Sub-Committee still functioning.
Education	In collaboration with Support Services, the Sub-Committee visited communities to build awareness of and capacity for community-based support services. Obtained input from Police Services Working Groups about the *Act*, training, appropriate forms, etc. Developed 6-week training plan (lesson plans, training video, pamphlets). Held training session at the Staff College (Oct '98) for Police, Victims' Services, and Clerks of the Court. Dedicated 1998 Annual Criminal Justice & Family Violence course to the Act (including prosecutors and Corrections Services). Formed Working Groups (RCMP, Municipal Police Services in Edmonton, Calgary, and Camrose, and Aboriginal Police Services). Currently training Child Protection workers.

Evaluation	Functional Sub-Committee to oversee evaluation process.
Regulations	Involved with legislative aspects of implementation of the Act. Worked with Court Services to draft and implement an enforcement mechanism. Distributed the Draft Bill to Prosecutors and others and requested feedback on enforcement and regulations. Met with Legal Aid, Legal Guidance to set up processes to ensure supports were in place. Drafted changes to the Rules of Court to enable prosecution of breaches.
Support Services	There was a 16 -18 months life span prior to proclamation of the *Act* (1998-99) with the most intense work starting in the fall of 1998. Assisted with development of information package about the *Act*. Created network for information exchange—provided information and forums for discussion for community stakeholders that would be impacted by the *Act*. Met in community with government people, health representatives, police, Victims' Services, Women's Shelters, Emergency Response teams, Aboriginal groups, and other agencies of different cultures. Collected information what was going on in the community, barriers to implementation, supports and services already in place that would link well with the law enforcement role with the *Act*. Created question and answer document based on questions arising from the community. Completed work after proclamation of the Act with Final Report to ICFV.

Looking to Evaluation Findings

Evaluation is valuable in that results will be used as a constructive tool to indicate where and how the legislation is working well to positively impact families, where the Act is not working so well including what improvements are required, and what further training should be conducted. Evaluation in this first iteration will be shared at a symposium in September 2000. This will provide another opportunity to assess how well are things working and what problems and challenges are being experienced.

Members' Suggestions for Further Investigation

- Influence and impact of Act on victims (e.g., level of feeling safe when offenders released);
- Investigation of number of breaches and action taken (e.g., whether the judge who issued the Order charges contempt or whether police are laying a criminal charge for breaching the Order); and
- Use in Aboriginal communities and military bases.

Summary

The Interdepartmental Committee on Family Violence is a very successful cross-government committee sharing a common vision and working toward a common goal of reducing family violence in Alberta. Committee members regard their Chair as a strong and knowledgeable leader, well known and networked throughout the country. Her insights have provided guidance and focus for the fourteen Committee members who represent Alberta Children's Services, Alberta Justice, Community Development, Alberta Learning, Alberta Health and Wellness, Alberta Agriculture, Food, and Rural Development, and the Alberta Alcohol and Drug Abuse Commission. Members have valued opportunities to share information, learn from each other, model inter-Ministry collaboration, and most importantly, support implementation of the new legislation. Committee members themselves are connected to a broad range of stakeholder groups with whom information and expectations of the new legislation are shared.

The primary accomplishment of the Committee has been implementation of the Protection Against Family Violence Act. Various workshops, education, and training sessions have been held around the province. Further training of Child Welfare workers and judges in the appropriate use of the legislation will be undertaken, as will efforts to increase public awareness of the Act, particularly in rural and remote areas of the province. Committee members believe that the Act provides another tool to stop abuse and reduce incidents of family violence in Alberta.